

Remarks

Double Patenting

Applicant has compared claims 7-10 and 13-17 of the present application with claims 7-10 and 13-17 of application serial no. 10/016,992. The claims do not recite the same invention. Some of the differences are:

a.) Claim 7 of the present application recites structure for one of 2 sources of electrical power. Claim 7 of the '992 application does not recite a source of power.

b.) Claim 7 of the present application does not recite any control circuitry. Claim 7 of the '992 application recites that there is control circuitry within the wand.

c.) Claim 7 of the present application recites that the light module is attached to the wand. Claim 7 of the '992 application does not limit where the light module could be located.

d.) Claim 9 of the present application recites a level of driving power for the semiconductor device. There is no such limitation in claims 7-10 or 13-17 of the '992 application.

In addition there are other wording and phraseology differences between the claims of the two patent applications. The doctrine of claim differentiation requires that differently worded claims be given different scope and interpretation. In particular, it is not possible to ignore structural language in one claim which is either not found in another claim or which is contradicted by the structural language of another claim.

For these reasons, Applicant believes the section 101 rejection should be withdrawn.

Prior Art

Applicant has amended the independent claims to include the limitations which the Examiner indicated lend patentability to the invention. Applicant believes that all claims presented are now allowable.

Applicant requests favorable reconsideration of the application. Any fees should be charged to deposit account no. 50-0581.

Respectfully submitted this 28th day of February, 2005.

A handwritten signature in black ink, appearing to read 'Daniel P. McCarthy', with a long horizontal flourish extending to the right.

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